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BHARADWAJ, KALPANA				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@BUTZEL.COM  
BOUDRIE@BUTZEL.COM

### Office Action Summary

**Application No.**

10/810,929

**Applicant(s)**

MESSINA, EDMUND

**Examiner**

KALPANA BHARADWAJ

**Art Unit**

2129

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to applicant's argument, filed on 11/19/2008, that the invention possessed the alleged utility prior to the effective date of the Sendowski reference. The previous Final Office Action, filed 09/19/2008 is hereby withdrawn.

### ***Status of Claims***

2. Claims 1-4 and 6-19 are pending. Claim 5 has been cancelled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 6-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wyss (USPN 2002/0026435, referred to as **Wyss**).

**Claim 1, 10, 19:**

Wyss teaches a computer program for interrogating a user, and generating a result, for example a report, custom video presentation, web-site presentation, etc., based upon the user's interrogatory answers, the computer program comprising:

a computer-readable memory device encoded with a database (**Wyss**, ¶ 0006: knowledge-base system configured to store a database) comprising

a plurality of predefined questions and associated, predefined answers (**Wyss**, ¶ 0006: database containing answers to questions), wherein the plurality of questions and answers are organized in a predefined relationship between a pre-designated starting question and one or more ending questions to thereby define a plurality of possible logical interrogatory paths through the database (**Wyss**, ¶ 0006: number of response templates each providing a different response format; **EN**: the 'template' reads on 'organized predefined relationship through possible interrogatory paths'), and wherein further the selection of any one of the plurality of possible logical paths is user-answer-dependent (**Wyss**, ¶ 0006: response message is created based on the question; **EN**: 'based on' reads on 'dependent');

a computer-readable memory device encoded with a user interface for displaying questions from the database and accepting answers from a user (**Wyss**, ¶ 0017: entry display screen for the system); and a computer-readable memory device encoded with an engine operative to present (**EN**: makes the engine function ambiguous; 'an engine to present' would be unambiguous) questions from the database to the user interface (**Wyss**, ¶ 0055: interfaces for the knowledge-base system), and to navigate one of the plurality of possible logical interrogatory paths through the database as dictated by a

user's answers to the questions presented at the user interface (**Wyss**, ¶ 0071: matcher 106 queries the database 108 in order to find Q/A; **EN**: The 'matcher' performs the function of 'navigating through possible logical interrogatory paths').

**Claim 2, 11:**

Wyss teaches the computer program of claim 1, wherein the database further comprises content and rules (**Wyss**, ¶ 0079: context specific rules) for generating at least one report based upon a user's answers to questions presented at the user interface (**Wyss**, ¶ 0037-0038: reporting screen for the system), the content and rules having a predefined relationship with the plurality of predefined questions and answers of the database (**Wyss**, ¶ 0071: matcher 106 queries the database 108 in order to find Q/A) so that the content of the at least one report is dependent upon a user's answers to questions from the database, and wherein further the engine is operative to generate from the reporting database at least one report using the content and rules from the database (**Wyss**, ¶ 0037-0039: generating a response to an inquiry).

**Claim 3, 12:**

Wyss teaches the computer program of claim 2, wherein the database comprising a plurality of predefined questions and associated, predefined answers, includes questions and answers for evaluating a users level of knowledge respecting a particular subject matter, and wherein further the content and rules for generating the at least one report based upon a user's answers to questions presented at the user

interface include content and rules for generating a test score indicative of a users level of knowledge respecting the particular subject matter (**Wyss**, ¶ 0072: Each matching Q/A entry is scored based upon the values; **EN**: The 'scoring' is indicative of a users level of knowledge in the particular subject matter; *Other limitations of this claim have been rejected previously, and are not repeated for brevity*).

**Claim 4, 13:**

Wyss teaches the computer program of claim 1, wherein the computer-readable memory device encoded with the database, the computer-readable memory device encoded with the user interface, and the computer-readable memory device encoded with the engine all comprise the same computer-readable memory device (**Wyss**, ¶ 0047: database 108 is stored in a memory).

**Claim 6, 15:**

Wyss teaches the computer program of claim 1, wherein the database further comprises one or more video files, wherein the engine is operative to display the video files at the user interface, and wherein further the one or more video files are associated with the predefined questions and answers of the database so that the display of video files at the user interface is dependent upon a user's answers to questions from the database (**Wyss**, ¶ 0047: an optical disc memory (such as a DVD or CDROM)).

**Claim 7, 16:**

Wyss teaches the computer program of claim 6, wherein the engine is operative to display a plurality of the video files at the user interface in a continuous sequence the order of which is defined by a user's answers to questions from the database (**Wyss, ¶ 0047**: DVD or CDROM; RAM, SAM; or a combination of these memory types).

**Claim 8, 17:**

Wyss teaches the computer program of claim 1, wherein the database further comprises one or more URL addresses, wherein the engine is operative to display the URL addresses at the user interface, and wherein further the one or more URL addresses are associated with the predefined questions and answers of the database so that the display of URL addresses at the user interface is dependent upon a user's answers to questions from the database (**Wyss, ¶ 0048**: web server 114).

**Claim 9, 18:**

Wyss teaches the computer program of claim 8, wherein the engine is operative to display a plurality of the URL addresses at the user interface in a sequence the order of which is defined by a user's answers to questions from the database (**Wyss, ¶ 0048**: web server 114).

**Claim 14:**

Wyss teaches the system of claim 10, wherein the at least one user interface is displayed at a location physically remote from the at least one computer comprising the database and the at least one computer comprising the engine (**Wyss**, ¶ 0046: one or more components can be located remotely relative to each other).

#### **Examinations Considerations**

5. Examiner's Notes (**EN**) are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.
6. Examiner has cited particular columns and line numbers (or paragraphs) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed



by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

### ***Conclusion***

7. Claims 1-4 and 6-19 are rejected.

### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KALPANA BHARADWAJ whose telephone number is (571)270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharadwaj Kalpana/

Examiner, Art Unit 2129

/David R Vincent/

Supervisory Patent Examiner, Art Unit 2129